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APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09 482,731	01 14 2000	Atsushi Murakami	266036	7400

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EXAMINER

VO, HAI

ART UNIT	PAPER NUMBER
1771	13

DATE MAILED: 02 05 2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09-482,731	MURAKAMI ET AL
	Examiner Hai Vo	Art Unit 1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 November 2002.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-4, 6-15, 17-21, 23-27, 29-34, 36-41, 43 and 49-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-4, 6-15, 17-21, 23-27, 29-33, 36-40, 43 and 49-51 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) 34 and 41 are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

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1. Claims 22, 28, 35, 42 and 44-48 have been cancelled in the amendment received on 11/25/2002.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6, 7, 19-21, 23, 24, and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP10-182865 in view of Ogawa (US 4,522,165).
JP'865 teaches the sound absorbing material made from polyethylene foam [0014]. JP'865 fails to teach the foamed rubber being used as a sound absorbing material. Ogawa discloses the sound absorbing material made from polyethylene foam or foamed rubber (column 7, line 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the polyethylene foam by the foamed rubber as taught in Ogawa due to its easy availability and economical advantage. Since JP'865 as modified by Ogawa is using the same rubber foam to form the sound insulation sheet as Applicants and the sound insulation sheet of JP'865/Ogawa meets the recited structure, it is the examiner's position that the hardness properties would be inherently present.

4. Claims 8-15, 17, 18, and 25-27, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP10-182865 in view of Ogawa (US 4,522,165), as applied to claim 1 above, and further in view of D'Antonio (US 5,665,943). See

obviousness rational in the paragraph no. 3 above and rejections as set forth in Paper no.16.

5. Claims 1, 3, 4, 7, 8, 14, 15, 17-21, 25-27, 30-33, 36-40, 43 and 49-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Momura et al (US 4,128,683) in view of Ogawa (US 4,522,165). Momura teaches the sound absorbing material made from polyethylene foam ((figure 1 and column 2, lines 44-58). Momura fails to teach the foamed rubber being used as a sound absorbing material. Ogawa discloses the sound absorbing material made from polyethylene foam or foamed rubber. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the polyethylene foam by the foamed rubber as taught in Ogawa due to its easy availability and economical advantage. Since Momura as modified by Ogawa is using the same rubber foam to form the sound insulation sheet as Applicants and the sound insulation sheet of Momura/Ogawa meets the recited structure, it is the examiner's position that the hardness properties would be inherently present.

Response to Arguments

6. Claims 34 and 41 are allowed.
7. The art rejections over Akiyama have been overcome by the present amendment and response.
8. Applicant's arguments with respect to claims 1-4, 6-15, 17-21, 23-27, 29-33, 36-40, 43, and 49-51 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Vo whose telephone number is (703) 605-4426. The examiner can normally be reached on Tue-Fri, 8:30-6:00 and on alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned

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are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

HV

January 27, 2003



TERREL MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700